

**REGULAR MEETING OF THE JASPER COUNTY BOARD OF COMMISSIONERS**  
**Monday, October 3, 2016**

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The Jasper County Board of Commissioners met this date at 8:15 A.M. in the Commissioners Room, Suite 202, of the Jasper County Courthouse located at 115 West Washington Street, Rensselaer, Indiana, with the following members present: Kendell Culp, Richard E. Maxwell and James A. Walstra. Also present were Auditor Kimberly K. Grow, Deputy Auditor Tina Porter, Highway Engineer/Supervisor, Jack R. Haberlin and Eric Beaver, the Attorney who represents the Commissioners. The meeting was called to order and those present stood and recited the Pledge of Allegiance led by Pat Donnelly.

CLAIMS: Mr. Walstra made the motion to approve the claims as presented. Mr. Maxwell seconded and the motion carried.

PAYROLL: Mr. Maxwell made the motion to approve the payroll for the check dates equal to September 15, 2016 and September 30, 2016. Mr. Walstra seconded and the motion carried.

MINUTES: Mr. Walstra made the motion to approve the minutes from the regular September 6, 2016 meeting and the Executive September 12, 2016 meeting. Mr. Maxwell seconded and the motion carried.

BURIED CABLE: Mr. Haberlin stated that there is one buried cable request in Union Township for CenturyLink. They are replacing aerial service wire and want to bore under 700 West. The location is 550 North and 700 West. Mr. Maxwell made the motion to approve the request. Mr. Walstra seconded and the motion carried.

TODD MCACHREN / AFLAC: Mr. McAchren was present to share some information regarding participation and claims. For the Avesis Vision Plan, there are seventy-three employees/families enrolled out of approximately one-hundred and eighty full-time employees, which equates to a forty-one percent participation. For the AFLAC Group, which is Continental American Insurance Company, there are one-hundred and twenty-six employees enrolled, which is a seventy percent participation. For the AFLAC traditional benefits, there are one-hundred and eight employees/families enrolled, which equates to a sixty percent participation. For the Transamerica Guaranteed Issue Life, there are twenty-nine employees enrolled, which equates to a sixteen percent participation. Regarding claims, the total number of claims for traditional AFLAC benefits from AFLAC Traditional, AFLAC Group and Continental American Insurance Company were eight-hundred and thirty-five from January 1, 2011 to September 26, 2016. The total paid out to the employees was \$306,720.83. Except for dental and vision, the money is paid directly to the employee. For the AFLAC Group benefits that were made available approximately eight years ago, there have been a total of nine-hundred and thirty-eight claims for a total of \$220,217.00. The total number of AFLAC and AFLAC Group benefits paid from January 1, 2011 to September 26, 2016 for one-thousand seven-hundred and seventy-three claims was a total of \$526,937.83.

Mr. Maxwell commented that the County enjoys seeing Mr. McAchren because he always has new products to offer and has taken care of the County well. Auditor Grow thanked Mr. McAchren for his help and stated that he's always a phone call away. Mr. McAchren stated that, after twenty-four years of doing business here, he has a lot of acquaintances and has made a lot of friends here.

BILL WAKELAND / COMMUNITY CORRECTIONS / ADDITIONAL EMPLOYEES/ ROOF/ ADVISORY BOARD RESIGNATION: Mr. Wakeland was present, along with Darcy Donnelly, who was hired September 1<sup>st</sup> to be the Assistant Director / Evidence Based Coordinator at Community Corrections. She graduated from Rensselaer Central High School. She got an Associates Degree from Vincennes University and a Bachelor's Degree from Kaplan University and has previously done an internship at Community Corrections under the previous Director. For the past thirteen years, she has been a Correctional Officer in Newton County. Upon leaving, she was a Sargeant in charge of a shift with three or four employees under her. She is also a Probational Officer and attends training three or four days a week.

Mr. Wakeland's first topic is the resignation of a full-time Correctional Officer as of September 30, 2016. The Officer took a full-time position as a Correctional Officer at the Jasper County Sheriff's Department.

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BILL WAKELAND / COMMUNITY CORRECTIONS / ADDITIONAL EMPLOYEES/ ROOF/ ADVISORY BOARD RESIGNATION CONT'D: He said he needs formal permission to move one of the part-time Officers up to a full-time position and replace the part-time Officer. Mr. Maxwell made the motion to approve Mr. Wakeland's request. Mr. Walstra seconded and the motion carried.

His second topic is that he has still not heard anything regarding roof repairs. He said there are shingles missing and he's aware that a County Highway Department employee did go over and look at it. Mr. Maxwell stated that Mr. Tim Brown looked at it and said it does need replaced on the West side. He was going to get an estimate together, but has been so busy this past month, he hasn't gotten it done yet. Mr. Culp asked if we should have a private individual take a look at it. He also asked if Mr. Brown does the work, would it be done on County time or his own time. Mr. Maxwell stated that it would have to be done off of County time. Mr. Culp told Mr. Wakeland that he is welcome to get other bids. Mr. Wakeland stated that another thing that he would like the Commissioners to consider is the drywall. He said they have an issue of water dripping out of the vents when it gets hot and humid. He's had Harry look at it. The ducts are covered with insulation, but there is so much heat up in the roof. It started with one vent and is now dripping from all three vents in the male dorm, in his office, in the classroom and the office area. He stated that he talked to David Ziese, whose recommendation was to leave the furnace fan running, but that has not helped the problem. Mr. Wakeland stated that he's not sure if we need more vents in the roof or an attic fan to exhaust some of the heat out of there. He believes we will need to get estimates to replace some of that drywall around some of the vents. Mr. Culp asked if the roof was vented. Mr. Wakeland stated that he believes it only has a ridge vent and is not enough to take the heat out. Mr. Culp and Mr. Maxwell stated that it probably needs an exhaust fan of some type. Mr. Wakeland asked if he should get estimates for that at the same time and Mr. Culp and Mr. Maxwell gave him the ok to do that. He also asked if he should have someone look at the drywall. Mr. Culp told him yes and then asked Mr. Markus Davis, who was in the audience, if he'd be interested in it. Mr. Davis asked if it was for drywall and Mr. Culp replied that the West part of the roof also needs replaced.

His next topic is regarding the Advisory Board. He said that Mr. Dan Stalbaum informed him that he would be resigning. He's experiencing some health issues and will need replaced. Mr. Wakeland stated that he would like to have someone up in the Wheatfield area because we don't have anyone on the Board from that area.

Mr. Haberlin stated that the Highway Department had a metal roof put on due to how windy it can get so that might be something they want to consider for Community Corrections if they have to do the whole roof. He said the person that did the work was very reasonable. Mr. Wakeland, Mr. Culp and Mr. Maxwell stated that it's just one section that needs replaced. Mr. Culp told Mr. Wakeland to get two quotes and asked Mr. Maxwell to talk to Mr. Brown again and we'll address it at the next meeting. Mr. Wakeland asked if he should be getting the quote on the drywall as well. Mr. Culp told him to go ahead and get quotes on everything and to pick up a card from Mr. Davis to go about getting a quote from him.

RICK HALL / BARNES & THORNBURG / REFINANCING OF JAIL BONDS: Mr. Hall was present and stated that there is an opportunity to re-fund the 2007 bonds that financed jail improvements. These bonds were issued by the Building Corporation and are currently outstanding with interest rates between 4.1 and 4.3 percent. He said that the underwriters believe that the current market interest rates would be 1.5 percent less than that. That difference would allow the County to save about \$30,000.00 to \$35,000.00 per year on the remaining term of the bonds. These bonds mature in January 2022. We have just a little over five years left until final maturity so it would equate to about \$150,000.00 in savings. He said that this is the best opportunity because as you get closer to the maturity date, it's harder to capture any meaningful savings. That savings amount would be net of the fees of Umbaugh and Barnes and Thornburg. Mr. Culp stated that the Council was approached and they understood that they did not need to have an action take place at their meeting, but they were favorable with proceeding with the re-funding. Mr. Hall brought a Resolution for the Commissioners review.

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RICK HALL / BARNES & THORNBURG / REFINANCING OF JAIL BONDS CONT'D: He stated that the way the financing is structured is that the Building Corporation issued the bonds. They own the facility and lease it back to the County. The County pays lease rental payments that are sufficient to pay the debt service on the bonds. The way that the re-funding is accomplished is that the Building Corporation issues new bonds and takes the proceeds and uses them to pay off the existing bonds. The lease between the Building Corporation and the County gets amended to reduce those lease rentals from where they are now to the lower level that's now needed to pay the debt service on the new bonds. That is how the County realizes the savings back. He stated that the Resolution explains how the 2007 bonds are outstanding and how the Commissioners desire to approve an amendment to the lease between the County and the Commissioners to have the new lease rentals correspond with the debt service on the 2016 bonds. Section 1 of the resolution approves the issuance of the re-funding of the bonds by the Building Corporation. Section 2 approves the execution of an amendment to the lease. Section 3 would approve our engagement with Barnes & Thornburg and Umbaugh's engagement. Section 4 talks about approving the sale of the bonds either through a private placement or a public offering. Umbaugh would have to give us advice as to what they feel is the best interest rate. What the underwriters are saying is that a public offering would generate the best savings. Section 5 authorizes any additional actions that are necessary to complete the re-funding. All the fees would be paid out of the bond proceeds. The County will not receive separate bills. Mr. Maxwell asked Attorney Beaver if he's looked at the Resolution. He replied that he has looked at it and does not have any questions. Mr. Maxwell made the motion to adopt the Resolution. Mr. Walstra seconded and the motion carried. Mr. Culp stated that he understands the Building Corporation needs to take action. Mr. Hall stated that the Building Corporation will have to meet. There was some discussion regarding the availability of the members of the Corporation. Attorney Beaver stated that they should be able to work something out and get a meeting convened for them. Mr. Hall stated that sometime next week would be fine. With the green light from the Commissioners, Umbaugh and the underwriters will start putting together an offering document. Mr. Hall stated that he only needs one signed copy of the Resolution. Auditor Grow stated that she will get it recorded. Mr. Hall provided a copy of the amendment to lease that needs to be recorded with the resolution.

JACK HABERLIN / COMMUNITY CROSSINGS MATCHING GRANT: Mr. Haberlin was present and stated that the next step to get the CCMG money is that they have to send a signed request letter to ask for the money. It has to be sent to LaPorte, who will then send it to Indianapolis. There will then be three government entities that need to sign off on it, such as the Attorney General. Mr. Maxwell made the motion to sign the request letter. Mr. Walstra seconded and the motion carried.

His next topic was Regarding the 67 money. He said they were always kind of informed that the \$1,000,000 would be sent to them this fall and they would have it and if they spent it all, they would have to re-fund it. He said it does not happen that way. You get the money as your projects proceed.

His next item was that, although he did not attend AIC, the word on the street was that there was \$180,000.00 for next year; which was excess general funds. There was going to be \$70,000,000.00 from \$0.01 on the sales tax of gas. He thinks that what hurt them the most was the estimate they used to get that \$0.01. For example, maybe they thought gas was going to be \$4.00 per gallon and now it's only \$2.00 and instead of \$70,000,000.00, they will only have \$35,000,000.00. There will be less money to apply for. Counties that applied this year are out of the 67 and LOIT money and might not have that bad of odds. Counties that did not apply this year, but will by applying next year will probably get first tabs because they want their road ratings and they don't have them yet from those entities. He said; however, that this could all be hear-say. Mr. Culp stated that, even though they passed it as a three year grant, it's changing. Every community that applied received what they asked for.

ANIMAL CONTROL BOARD: Mr. Culp stated that there's been a couple resignations on the Animal Control Board. He said the Board was asked if they had a recommendation for the slot open at the time and they recommended Nancy Shull to fill that position.

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ANIMAL CONTROL BOARD CONT'D: She lives on Route 231 in Union Township, north of Rensselaer. Mr. Maxwell made the motion to support Mrs. Shull as a member of the Animal Control Board. Mr. Walstra seconded and the motion carried.

RECORDER / FIDLAR MAINTENANCE AGREEMENT: Mr. Culp stated that the Recorder, Beth Warren, is requesting that the maintenance agreement with Fidlar, her software company, be renewed in the amount of \$575.00 effective December 15, 2016. The same agreement was signed by the Commissioners last year at the December meeting. Mr. Walstra made the motion to approve the agreement. Mr. Maxwell seconded and the motion carried.

COMMUNITY CORRECTIONS / TRAINING REQUESTS: Mr. Culp stated that there are three training requests from Community Corrections. The first is for the Work Release Supervisor and a Correctional Officer to attend a Community Correctional Training in Crown Point. There is no charge for that training. The second request is for the Work Release Supervisor to attend the Fall Criminal Justice Conference October 5<sup>th</sup> and October 6<sup>th</sup> in Michigan City. That would be paid for out of Project Income. The third would be for the two Electronic Monitoring Officers to attend Officer Training in Crown Point. There is no charge for that training. Mr. Walstra made the motion to approve the three requests. Mr. Maxwell seconded and the motion carried.

PROSECUTOR / CONFERENCE REQUEST: Mr. Culp stated that the Prosecutor would like for their IV-D Case Manager and Deputy Prosecutor to attend the Indiana Child Support Fall Conference in Indianapolis on October 25<sup>th</sup> and October 26<sup>th</sup>. There are no fees for the conference. Other expenses will be paid out of the Title IV-D fund. Mr. Maxwell made the motion to approve this request. Mr. Walstra seconded and the motion carried.

PURDUE EXTENSION / CONFERENCE REQUEST: Mr. Culp stated that Anna Williams, the 4-H Youth Development Educator, would like permission to attend the National Association of Extension 4-H Agents in New Orleans from October 4<sup>th</sup> through October 8<sup>th</sup>. The costs would come out of their Business Development Fund. There was some discussion on whether or not it is County funds. The decision was put on hold until that can be verified.

EMPLOYEE BOND: Mr. Culp stated that there is a bond request for Tina Porter in the Auditor's Office. Mr. Maxwell made the motion to approve. Mr. Walstra seconded and the motion carried.

SHERIFF RISNER: Sheriff Risner was present and stated that, after last month's Commissioners meeting, he had a Merit Deputy's position resign, somewhat unexpectedly. That leaves him two Merit Deputies short. The replacement of the canine Officer had already been approved. He asked for permission to fill the second vacancy, which is an established Road Deputy position. Mr. Maxwell made the motion to approve the request. Mr. Walstra seconded and the motion carried.

Sheriff Risner also stated that he is aware the Commissioners received a call from a Sargent that had moved to a Correctional Position regarding what was owed to him. Sheriff Risner stated that his belief as an Elected Official is if they change positions, they know that it changes the payroll. He said he doesn't have the money to make up that difference and that the employee knew when they took that position what the level of pay was. He stated that the employee had been there five years. Mr. Culp stated that it should have been decided when he changed positions. Sheriff Risner stated that the employee received their fifty percent sick pay, vacation time and anything else that was owed to him. He stated that the employee's time and service does transfer with him. Mr. Culp stated that this would be an office holder's decision.

KAREN WILSON / EMERGENCY MANAGEMENT / CONFERENCE REQUEST: Mrs. Wilson was present and stated that she would like to request permission to attend the EMA Conference on October 26<sup>th</sup> through October 28<sup>th</sup>. The cost is \$325.00. The hotel room is for two nights at \$107.00 per night. It will be held in Indianapolis at the Marriott East. Mr. Maxwell made the motion to approve. Mr. Walstra seconded and the motion carried.

MARY SCHEURICH / PITSTICK REZONE/ MISCH REZONE: Mrs. Scheurich was present and stated that first on the agenda is Mr. Andrew Pitstick, which was continued from last month's meeting. Mr. Pitstick's Attorney, Brianna Schroeder, was present, as well as Mike Veenhuizen from Livestock & Engineering Solutions, Inc. Ms. Schroeder stated that they are here to talk about a potential rezone of Mr. Pitstick's property from commercial to agricultural. She gave a short recap of what was discussed at the previous Commissioners meeting. Mr. Culp asked Mrs. Scheurich if she had anything to add. She stated that they went through the whole rezone process and discovered that, back in 1970 by Ordinance, the three-hundred feet was not included. Attorney Beaver stated that this was referred to him in the last meeting and he's had a chance to review it. He stated that the focus of his review was to determine the events occurring in and around 1970 with the rezone that was accomplished upon the request of Grow Farms and the consequences of that. He's reviewed the deed records and zoning documents. The Pitstick's own what is legally described in the deeds as the North three-hundred feet of a larger piece of property. That property was split from a larger piece in the early 1960's. The legal description of the larger piece remained the same, except there was the addition of the exception language at the very end of that legal description. That property was purchased by Grow Farms about 1969. The petition for the rezone was about 1970. The Grow's zoning application documents use those legal descriptions and there was the exception of the North three-hundred feet of that property. The zoning petition was granted. The Pitstick's property was not subject to that Grow rezone, but apparently, the zoning map at the time was changed on the Pitstick property so it's been commercial on the map since about that time. Around 1987, the General Assembly changed the zoning code to differentiate between the text of the zoning ordinance and the zone maps. The zone maps are now incorporated by reference in to the zoning ordinance. That means that the maps are the law, the same as the text of the zoning ordinance would be. For about thirty years, every time the UDO has passed, it's incorporated the maps as they exist at that time. The process is set forth that the landowners can't petition to change the text of any zoning ordinance, but they can petition to change the map description, which is what the Pitstick's have done here. In this case, there isn't any text in the zoning ordinance that sets forth the classification for the Pitstick property. He doesn't believe there is an argument available to say that the zoning map is wrong. The fact is, the zoning map for the parcel has been commercial for thirty-five or forty-five years. Because the zoning maps are incorporated in the text of the UDO, the zoning is commercial as it relates to this parcel as it was adopted in 2012, which has likely been the case since the 1980's. The Pitstick's, with their application, are asking the Commissioners to change the map of their property and by asking for the changing of the map, they are asking the Commissioners to change the zoning law as it relates to this parcel. He said his primary concern is whether the Commissioners are compelled by the historical circumstances to grant the petition. In other words, was the commercial zoning wrong all along. Mr. Beaver does not believe that to be the case. He doesn't think we have a definitive statement that the zoning should be A and the map shows B. Instead, the map is the map. He thinks that we are back at square one, which is just a general request for the zoning application to be changed. Another topic that was brought up is Indiana Statute Section 616 of the zoning code. It grandfathers agricultural non-conforming uses. The question that he had asked is whether it compels the Commissioners to grant the petition to change the zoning map. Under the County's UDO, a legal non-conforming use must be continuous. The basic characteristics of that use can't be changed. He said he's not sure those elements are present here. The UDO does acknowledge the statute. He believes that the statute provides greater protection in some circumstances. He said he does not read the statute as requiring the Commissioners to grant the petition to rezone the property because if the rezone is granted, the Pitstick's still have to comply with other provisions of the UDO as it relates to A-1 agricultural and Level 1 confined feeding operation. The grandfather statute does not offer greater rights to a legal non-conforming use than to a conforming use. If the petition to rezone is denied, Mr. Pitstick may have a defense against any action that's taken against him by the Plan Commission under this statute. He still must be in compliance with the A-1 zoning and confined feeding provisions of the UDO. The statute may protect an agricultural non-conforming use, but it's possible Mr. Pitstick's non-conforming use would not be protected if he does not comply with the A-1 so there are other provisions in the A-1 he still must abide by. He said he does not have an opinion to say as to whether or not the statute would prohibit an enforcement action against Mr. Pitstick based on his present situation if the zoning request is denied.

MARY SCHEURICH / PITSTICK REZONE/ MISCH REZONE CONT'D: He believes that he heard during the September Commissioners meeting that there might have been some conflicting statements as to whether there was any continuous agricultural use or not. In general, he thinks that there is nothing that compels the Commissioners to make a certain decision. We are back at where we were in the beginning as to whether or not the petition to rezone should be granted based on general principles. Attorney Beaver addressed Ms. Schroeder and told her he knows that they didn't have time to talk this past month, but he hopes what he said makes sense. She stated that this has been one of their thoughts and that the easiest and cleanest way to do things was to ask for the rezone. She stated that, as Attorney Beaver hinted at, there are other routes forward for a legal non-conforming use such as asking for a special exception or a variance. She said the rezone would result in the map reflecting the true use of the property. She brought the Jasper County future land use maps. She pointed out the area in question and said that it's intended, under the comprehensive plan, to be used as agricultural property in the future. She stated that, as Attorney Beaver pointed out, after doing all the research in to the 1970's we are back at square one. She stated that the rezone would put this property in line with the past use and future use. She referenced the UDO, section 9.20E7A and said the future land map is intended to be the key guidance document for rezoning decisions. This document indicates that it should be used as agricultural land in the future. She said that Jasper County has a history of supporting and encouraging agricultural development. She said that that statement is recited in numerous places in the comprehensive plan and the UDO and she believes this map backs that up. Mr. Culp asked Mrs. Scheurich, under permitted uses in an A-1 district, confined feeding Level 1, is this considered confined feeding? She replied that that's been a good question all along, but it seems to her that it was not considered confined feeding at the last meeting. Mr. Culp asked if it was the Commissioners meeting or Plan Commission and she replied that it was both. Mr. Veenhuizen stated that he'd like to offer his interpretation. Under the A-1 district, Level 1 confined feeding is a permitted use. He believes in this case, with Mr. Pitstick's numbers being less than two-hundred, he qualifies for the raising of farm animals. He has not reached the level of confined feeding in any of the definitions in the UDO for Jasper County. In the definition of raising of farm animals, it is the feeding of animals for pleasure, food, pharmaceutical or any other commodity purposes. It includes confined feeding where the maximum amount of animals does not exceed one-hundred and ninety-nine swine. Mr. Veenhuizen stated that, as Mr. Pitstick pointed out in his application, he would have less than two-hundred swine animals. He mentioned that the state's definition counts a sow and her litter as one animal. He said it also mentions pastured animals, but in this case, Mr. Pitstick will confine his animals for more than forty-five days in a given twelve month period, consistent with the state CFO rule. He stated that Mr. Pitstick qualifies in the definition as confined feeding, but he does not qualify as Level 1, 2 or 3 and that this would be a permitted or accepted use. Mr. Culp stated that he was under the assumption that the hogs would be on pasture, at least part of the time. Mr. Pitstick replied that they will be on pasture part of the time, depending on the amount of vegetation that would be able to be maintained. Mr. Veenhuizen stated that the production system that Mr. Pitstick is proposing is essentially to keep animals in a bedded building. He also proposed and has plans to make improvements on an existing building for farrowing. As recalled from discussion from previous meetings, as long as the animals are confined for forty-five days out of the year, then they qualify as confined feeding. Mr. Veenhuizen stated that he doesn't believe it's a conflict that he uses vegetative pasture for sow exercise lots as long as, such as Attorney Beaver pointed out, he is consistent with the development standards of the UDO and follows all of the environmental standards. He doesn't believe that qualifies it as a pasture system. He said there was conversation at the area Plan Commission on whether this was a pasture system and he believes there was some confusion regarding the keeping of farm animals versus the raising of farm animals. Under the keeping of farm animals, there is clearly the requirement for pasture raising and limiting that to ten animals per acre. In Mr. Pitstick's case, he has a confinement building and pastured lots so he is basically raising farm animals. He falls in the category of less than two-hundred head so he's not confined feeding Level 1, 2 or 3 in Jasper County and because he's less than six-hundred head, he's not confined feeding in the State of Indiana. He would have to have six-hundred swine animals in order to require confined feeding approval from the Indiana Department of Environmental Management. Mr. Culp stated that the "keeping" page says 1/10 of an acre per animal. Mr. Maxwell asked what the size of the parcel is. Mr. Veenhuizen replied that it's 9.9 acres and is roughly three-hundred feet wide by one-thousand three-hundred and twenty feet long. Mr. Culp stated that there is a disclaimer at the bottom that says "

MARY SCHEURICH / PITSTICK REZONE/ MISCH REZONE CONT'D: Any number of pastured animals are permitted as long as they are confined, fed and maintained for less than forty-five days during the twelve month period as long as the vegetative cover is managed and maintained in pasture areas.” He said that there are a lot of “if’s” there with that many animals on that size of parcel. Mr. Pitstick stated that the animals would only be turned out at certain times and not all at once, which is how they would manage it as to not have any overgrazing. He said, for example, there may only be ten sows out at once. He said there may even be times of the year where the pasture isn’t growing or muddy and there may not be any animals out there at all. Mr. Veenhuizen stated that he believes the disclaimer that Mr. Culp read is a qualifying statement under the raising of animals. You can’t have a pasture system but it qualifies that a pasture system limits the confinement to be so much as a cow calf operation where you may bring cows up to calve and keep them for a short time in a building, but that encompassed time period is less than forty-five days and that would qualify you as a pasture system. If you have pasture and you confine the animals for sixty days then you’re a confined feeding operation. Mr. Maxwell stated that he’s still not sure Mr. Pitstick qualifies in an A-1 district. Mr. Pitstick asked for what reason and Mr. Maxwell replied for minimum width, for one. The minimum width is four-hundred feet. Mr. Davis stated that it also says ten acres. Mr. Maxwell stated that this parcel is 9.9. Mr. Veenhuizen stated that that’s correct and it was an observation that was brought to his attention that this property may be better rezoned as an A-2 district, as opposed to an A-1 district. He believes Mr. Pitstick meets all the developmental standards of the UDO. Ms. Schroeder stated that an A-2 minimum lot is two acres and the minimum lot width is two-hundred and fifty feet. Mr. Veenhuizen stated the raising of farm animals is still a permitted use. Mr. Maxwell told them that they are not here to redistrict it as an A-2, they are here to district it as an A-1. Mr. Davis stated that he thinks, in this case, there is room for argument that the Commissioners would be setting a precedent to allow an operation like this in an A-1 based on the principle that there are all kinds of A-1 zoned properties in our County that are way under ten acres. The potential there is for someone to come in on (as well in the case of an A-2) a two acre or larger lot and potentially have two-thousand hogs if you count piglets. He said his lot across the road is 3.5 acres and he is technically A-1, although not legally. The point he said he is trying to make is that anyone with a small lot like that can start an operation. He said he also wants to point out that he thinks there is room for interpretation with the raising of farm animals and that this is a multi-site business. This is not raising animals and transferring from one pasture to another, which he thinks would qualify it as raising of farm animals. This is a bigger, multi-site operation. He stated that there’s the potential here to set precedent for some bad situations. He said that they’ve done some research as to where this might fit in and that he doesn’t quite understand, legally by the map, what it’s zoned at this point, but if you look back to the Suburban 1 from the 1970’s paper, it was Suburban 1 residence. In our UDO currently, that would fall under what he believes to be an A-2 or an A-3 possibly. He then corrected himself and said that there are R-1’s and R-2’s, which are residence situations. If we go back to what this may have been zoned, according to what the Planning Commission recommended, this best fits in an A-4 situation, but business-oriented agricultural use. Mrs. Scheurich stated that A-4 is business. The request was for A-1. The recommendation from the Plan Commission was to deny with a 5-3 vote. Mr. Davis stated that the gentleman that made the motion to deny the request at the Plan Commission meeting was concerned about the potential for that area to be developed as commercial. Mr. Maxwell stated that he’s not sure that A-1 would be the proper zoning for this area and that he was not ready to make a decision. Ms. Schroeder asked what would be the proper zoning and Mr. Maxwell replied that he doesn’t know. Mr. Culp stated that, even if it was rezoned as A-1, they would still need a variance. Ms. Schroeder stated that they would look at different options and maybe start over with an A-2, a legal non-conforming use or a special exception. Mr. Culp stated that, either way, there would still be another process. Citizen Tom Mathis began reading from the UDO and asked if the UDO is law or if it’s a guideline. Mr. Mathis was advised by Mr. Culp that he is on the agenda and unless he has a specific question or comment regarding the Pitsick rezone request, we will get to his topic when we are finished with the current topic. Mr. Maxwell made the motion to uphold the Plan Commission’s recommendation and deny the request. Mr. Walstra seconded and the motion carried. Mrs. Nicole Davis asked if the property is commercial, what the zoning is and how long will they have pigs across the road. Mr. Culp asked Mrs. Scheurich if they are out of compliance. Mrs. Davis stated that they’ve been out of compliance for three months. Mr. Davis stated that at the last meeting, Mr. Pitstick wasn’t told it was ok to have the hogs, but he wasn’t told to move them either.

MARY SCHEURICH / PITSTICK REZONE/ MISCH REZONE CONT'D: He said that Mr. Pitstick has since moved the hogs to the new building. Mr. Maxwell stated that he's not sure they don't meet the requirements without a variance. Attorney Beaver stated that any enforcement now against the Pitstick's might be able to be defended by way of legal non-conforming use, but this is something that we are unable to answer or determine at this point. Ms. Schroeder stated that they are aware that they could use a legal non-conforming use as a defense. Mr. Davis asked if they can assist with getting the process going to have the pigs removed from the property. Mr. Culp stated that the Plan Commission takes action upon recommendations. Mrs. Davis asked who enforces the law. Mrs. Scheurich stated that the process would have to be started in her office. Next on Mrs. Scheurich's agenda was an additional rezone request from Matt and Charles Misch from an A-1 to an A-2, containing 26.461 acres. Mr. Mathis repeatedly asked if this was on the agenda. Mr. Maxwell stated that Mary Scheurich is on the agenda. Auditor Grow and Mrs. Scheurich stated that it's under "Additional Rezone". Mrs. Scheurich stated that it is her understanding that these gentlemen would like to split this property in to three pieces so that each young man can build a home. It is their intent to share the back property for both of their enjoyment and use. Mr. Culp asked what township this is in. She replied that it's Wheatfield Township on 200 W, just South of 1450 N. Mr. Walstra stated that it's the old Wick's place and Mrs. Scheurich stated that that's correct. Mr. Culp asked what the action of the Plan Commission was. She said that they recommend approval. Mr. Walstra stated that there had been discussion that the property is now seven pieces. Mrs. Scheurich stated that her term has always been buy, sell, trade or giveaway, but when it comes time to come to them for a building permit, you have to comply with the rules of the UDO. She stated that what they've done in the past has no effect on us. They were not creating building sites because they never came to us for a building permit. She said she's been told that it's been split numerous times, but she said she has not done the research on that. Mr. Mathis stated that this surprises him because he feels that this seems sneaky and deceptive for this to be on the agenda without the Misch name. He said that he's done the research and has found multiple splits on this property. He brought a Beacon print-out with dates on it of when he said the property was split that he wanted to enter in to the record. He then read aloud from the UDO about splits on page 9-4. He said that the splits, in his opinion, have not occurred legally because in order to do a split, you have to have a minimum of two acres. He pointed to a split on the map and said that it looks like a sixty foot road right of way to him. He said he'd be totally against this. He then read aloud Section 9.17 from the UDO. He stated that, in order to do splits, there's a five year suspension of further subdivision once you do a split. He told the Commissioners to look at the dates on the map he brought. He said he has copies of the Quit-Claim Deeds. He said the deeds were recorded on September 22, prior to the Misch's coming to Planning and Development. He said that it's all been done backwards and he wants to know why. He said it was already in the KV Post last Thursday as recorded split and it should have never happened. Mrs. Scheurich stated that they bought a twenty-six acre piece, not a subdivision. Mr. Mathis said that these are happening all over. He said that, what was originally eighty acres will be ten or eleven lots, depending on what the Commissioners decide today with no review from Planning and Development for a subdivision. Mrs. Scheurich stated that it's not a subdivision because they're not asking for building permits. Mr. Mathis asked why we would create a strip sixty feet wide by eighty feet long. He said it's not good for anything and that it does not comply with A-1 or A-2. He said it complies with nothing. Mrs. Scheurich replied that they had the money to purchase it. Mr. Mathis stated that if we continue in this fashion, we will not protect any agricultural property. The one split that is a lane is 1.02 acres and should have never occurred. Mr. Culp asked Mrs. Scheurich if the request was to go from A-1 to A-2. She replied that that's correct. It's a twenty-six acre piece. The request is not to divide it or do anything else. The request is to determine if it is A-1 or A-2. Mr. Mathis stated that on the map that he showed the Commissioners, none of the parcels comply with ten acres, but on the Beacon website, it's all zoned A-1, but it truly should be zoned A-2 because none of them are ten acres. He also said that there is only four-hundred and sixty feet of frontage and they want to put two houses with a sixty foot lane down the middle, another road right-of-way. He said he doesn't think this is orderly growth and development for Jasper County. He said he thinks we need to back up and take a look at how these splits are occurring. Just because they are recorded with a Quit-Claim deed, doesn't mean it's a buildable lot. He wants to know why this type of activity is being allowed. Mr. Culp asked if there were any other comments from the audience. Mr. Mathis stated that he has one other thing he would like to say. Splits are being created that may split a ninety foot quonset hut in half.



MARY SCHEURICH / PITSTICK REZONE/ MISCH REZONE CONT'D: He said he does not know how that happens under taxation. Is one-third of the building taxed on one lot and sixty-six percent taxed on the other lot. He said he would think if there were buildings on a lot, you would not be able to split through them. On the property to the North of this one, they've done just that. He said it doesn't seem orderly growth to him. Mr. Culp stated that they have the Plan Commission recommendation in front of them. Mrs. Scheurich stated that, at this point and time, it is a determination as to whether it's best use is A-1 or A-2. Mr. Maxwell asked if the Plan Commission was aware of all the splits. Mrs. Scheurich replied that they were aware. She said that, to the best of her knowledge and from what she's been told, people are allowed to split whatever they want to split. The County can't control that. What we can control is what's built on and what's not. She said she can guarantee that there will not be a building put on a sixty foot strip. Mr. Mathis stated that he's tired of seeing the standards in this County minimized. He said we need to stand up for the people we're representing and the people who put us in office and act like a servant rather than a master and apply the UDO. Mr. Walstra asked what the reason was for all the splits. Mrs. Scheurich stated that she doesn't know for sure, but she can say what she's heard. Jim Misch lives in one of the homes. He purchased from the previous owner. She said to the best of her knowledge, the other splits are to add to what he already owns to make his parcel larger. She said that they should be combined to his larger parcel, but that's not her determination or position. She said that that is done in the Auditor's Office. Auditor Grow stated that there are steps that he has to take in order to do that. Mrs. Scheurich repeated what Auditor Grow stated and also added that those steps have been argued and she does not know the correct answer. To the best of her knowledge, that is exactly what the splits are for, just to add to his property. She said they were not purchased all at once for financial reasons. She said this is all second-hand information that's been told to her and she does not know how factual it is. Mr. Walstra asked if they intend to put that all in one. Mrs. Scheurich stated that she doesn't know if she would say all. The twenty-six acre piece would not be combined with the others. Mr. Walstra stated that if they rezone the twenty-six acre piece, it would be split out. She showed the Commissioners on the map where Jim's house is. She said the sliver piece was purchased to add to his five acres, to the best of her knowledge. He purchased the back piece and there is a sliver in between that will be added to his piece as well. She pointed to another parcel that she said she believes he will end up with also, which will make that all one piece upon it being combined, if that takes place. The boys (Matt and Charles Misch) purchased the twenty-six acres. They've told her that their idea is to split two pieces off and, somehow or another, leave access to the back because they are going to mutually own the back piece. That is their intention. Mr. Culp asked if it was all in the family. Mrs. Scheurich replied that it is now, but that does not mean that it will stay in the family forever. She stated that they were going to purchase it on contract but, at the last minute, decided that it would be best to be in their name so they made the purchase. They want the land regardless. Mr. Mathis stated that their intent is two homes on four-hundred and sixty feet of frontage, which doesn't comply with the code and a sixty foot lane down the middle is what they presented the other day. Mr. Walstra stated that if that's what they want to do, that will be addressed later. He said right now, the Commissioners are only being asked to rezone from one to the other. He also said that they need to clean this mess up if they ever come back around. He said a sixty foot strip on the five acres makes sense to him, even though it was bought later. Their task at the moment is to decide if they are going to rezone the property and if they don't have enough frontage then that is their problem later. He confirmed with Mrs. Scheurich that the recommendation from the Plan Commission was to rezone from A-1 to A-2. Mrs. Scheurich stated that we need a determination in regards to combining property. Mr. Walstra made the motion to approve the request to rezone to A-2. Mr. Maxwell seconded and the motion carried.

PURDUE EXTENSION / CONFERENCE REQUEST CONT'D: Mr. Culp stated that Auditor Grow did some research and found that the Extension office has \$5,000.00 left in their budget for travel and continuing education. He said that they would have to stay within that budget. Mr. Walstra made the motion to approve this request. Mr. Maxwell seconded and the motion carried.

CITIZEN TOM MATHIS / UDO: Mr. Mathis stated that he has great concerns about the UDO and he needs clarification on what an Ordinance truly is. He addressed Attorney Beaver and asked if it is law or if it's a guideline. Attorney Beaver replied and stated that he does not give Mr. Mathis legal advice. He stated that he is welcome to go to any other attorney in Jasper County that does not have the name Beaver. He stated that he represents the Commissioners.

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CITIZEN TOM MATHIS / UDO CONT'D: Mr. Mathis stated that he spoke with Mr. Urbano, who told him that he thinks Ordinances are just a guideline. Mr. Mathis stated that it was his own interpretation, after studying the comprehensive plan and the UDO extensively for years, that you cannot have a UDO without first having a comprehensive plan. That is mandated by State statute. He said, therefore, what he's seen happen today, in his opinion, is very disorderly. He said there is a piece of property that no one knows which way it's zoned and another property where we don't know if it complies with A-1 or not. He said a lot of these problems can be derailed before they get to the Commissioners if we follow the UDO. His understanding is that the UDO is there to reach the objectives of the comprehensive plan and he does not think those objectives will be met if we don't pay attention to the UDO. He said the words "shall", "must", "may" or "should" dictate whether such action in the UDO is mandatory or permissive. He said that zoning plays a huge role in not only protecting property values, but affects how much revenue the fiscal body makes to operate. He said he's finding properties all over this County that are not complying to the use of the zone and many of the properties that are being used as commercial and not coded appropriately on the tax rolls. He mentioned a commercial gym that's located on Route 10 in the middle of an A-1 district that's paying maybe \$380.00 annually in taxes. They never had to comply with the developmental standards or the zoning; however, they are still there. (Parcel 007-02679-01) He said to compare that to Anytime Fitness located at the corner of 15<sup>th</sup> Street and 700 West. (Parcel 015-01691-00) Their taxes are five or six times higher than the gym operating in an A-1 zone. He doesn't think this is good business to allow one business man to be exempt from zoning and the developmental standards and the other guy has to comply. He said he has businesses all over his neighborhood that don't comply with the code. He said he's been trying to get them to comply for eight years and that there is virtually no enforcement at all. He said when we took zoning rights from the State in 1964, it gave the County police power to enforce the zoning code, but it's not getting done. He brought with him a copy of a letter that he wrote to Mrs. Scheurich on September 14, 2016 that he said he wanted to enter in to the record. He said he wanted to enter in to the record three beacon print-outs that have barns built on the property. One barn is assessed with finished square footage because they're living there. (Parcel 001-00419-00) The other two barns do not have finished square footage listed, even though there are people living there. (Parcel Numbers 001-00366-01 and 013-03052-00) He asked if these have been permitted and stated that we are losing a lot of revenue by not following zoning and not coding properties appropriately. He mentioned another property where there has been someone living in the barn since 2012 and it's all coded agricultural use. He said there are two satellite dishes on the barn and the garbage is out by the road for pick-up. He also mentioned another split, Adam and Carlee Alson. He said they wanted to take two acres and split it off the family farm and as soon as it got split off the family farm, they did another split which was thirty feet wide by two-hundred and eighty feet long. He wanted this beacon print-out entered in to the record as well. (Parcel 008-00005-01) He said Castognia's is assessed as vacant agricultural land but there is equipment for sale all over that property and they are assessed at \$37,100. (The print-out he provided was printed April 23, 2016 – Parcel 007-00592-00). He brought the Beacon print-out for a commercial health club that he said was established in 2008 but did not hit the tax rolls until 2014 (Parcel 007-02679-01). He also brought the Beacon print-out for another commercial health club that he said is very similar in size (Parcel 015-01691-00). He said one doesn't comply with the code of developmental standards and one appears to. The club that does not comply pays \$361.70 annually and the club that does comply pays \$2,470.80 annually. He brought a Beacon print-out for HAT, LLC and said that it's coded commercial I-2, high intensity industrial. (Parcel 012-00317-00) The next one he mentioned is Philip Cambe. He said that Mr. Cambe must have twenty semi-trucks and trailers on that property and it's coded residential, one dwelling. (Parcel 012-00044-00). The next one he mentioned was Randy and Aukje Lewis. (Parcel 001-00695-00). He said they are running an industrial truck terminal out of an A-1 conservation zone. He stated that he wanted all of these entered in to the record. He asked if HAT, LLC is something that should be next to a pig farm. He also brought the Beacon print-out for the Pitstick property. (Parcel 012-00213-00) He stated that the assessed value in 2015 was \$28,300 and it went down to \$9,900 in 2016. He said the property is coded as other agricultural use. He said it's very similar to the one up by him. That one is Tyson on State Route 110. (Parcel 007-00701-00) This one is coded 110 Ag Hog Farm. He said it's not a hog farm. He said there's also another property across the street that is coded hog farm as well and he said it has not been a hog farm for years. He also brought the Beacon print-out for Mr. Bontreger's property and said that it's coded as residential. (Parcel 018-02944-00).

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CITIZEN TOM MATHIS / UDO CONT'D: He also brought the Beacon print-out for Ronald and Ruth Woolley's property to the West of Mr. Bontreger (Parcel 019-00002-00) This property is coded as other retail structures. He brought print-outs showing a ninety foot long quonset hut that was split between two properties. This is the Misch property. He said he wants this stuff straightened out. He said we have the third highest Local Option Income Tax in the State of Indiana. He wants a conscious effort to be made to get these zoned appropriately and coded appropriately so we get the appropriate tax revenue coming in to the fiscal body's pocket and we can lower that LOIT. He was thanked for his comments.

KEY BENEFIT: Mr. Culp stated that we have a recommendation to update our benefit plan for County employees. The modification would be for deductibles. An individual would be \$750.00 and \$1,500.00 for a family. Doctor visit copays would be \$35.00. We are moving from two tiers to four tiers for premium rates. The four tiers are as follows: Employee Only, Employee and Child or Children, Employee and Spouse and Employee and Family. If this passes, there will be a meeting at the Highway Department this afternoon with the employees and a meeting tomorrow with the department heads to review these changes to the health plan for the County. Mr. Walstra made a motion to approve the changes. Mr. Maxwell seconded and the motion carried.

POLLING LOCATIONS: Mr. Culp stated that they have polling locations that need to be approved. There are four that are different from the primary. Carpenter East will be at the Remington Library on Ohio Street in Remington. Jordan will be back at Tri-County Bible Church on 1050 South. Marion Two will be at the new fire department on West Clark Street. Wheatfield West One will be at the First Reformed Church, which is the new church at the corner of Route 10 and 231. The rest of the locations remain the same. Mr. Maxwell made the motion to approve. Mr. Walstra seconded and the motion carried.

CITIZEN MARY ANN MEHAN: Ms. Mehan was present and stated that she was at the June meeting to request part of her driveway be taken over by the County. There is another residence that is using that part of the driveway and the Mehan's have been doing all the plowing and maintenance. She stated that the Highway Department has been to look at the driveway, but she hasn't heard much about it and she is here for an update. Mr. Culp stated that he's looked at it and he's ok with the County taking that over. He believes the Highway Department is fine with it as well. Attorney Beaver informed Ms. Mehan that he called her after the meeting in which the Commissioners decided that. Mrs. Ackerman stated that they are ok with it. Mr. Culp told her that the County will take it over, but they will need to be able to get a truck and snowplow down there with enough room to turn around. Mrs. Ackerman stated that the Highway Department has already discussed that with the Mehan's and worked everything out. Mr. Haberlin asked if we will need to advertise to take that over. Mr. Culp stated that there will probably be some paperwork that will need to be done. He was also wondering if we would need to have a hearing. Mr. Walstra stated that the County isn't really taking it over, rather, we are just extending the right of way. Mr. Haberlin stated that, earlier in the year, they updated the road inventory list. He said that they had to have a hearing. Mr. Culp told Ms. Mehan that the County will take care of all the legal stuff on our end. There is nothing else that she would need to do.

COUNTY HIGHWAY DEPARTMENT: Mr. Haberlin stated that they are done chip and sealing. There was some paving done earlier in the year and he stated that we may have some time left. Mrs. Ackerman brought a listing of the total amount of money spent out of the \$3,000,000.00. She stated that we still have \$1,000,000.00 left. Mrs. Ackerman stated that they also broke it down by how much was spent in each Commissioners district as well as how much has been spent in chip and seal and paving. Mr. Haberlin stated that it gives us a very good idea as to what we used for a chip and seal price and what we used for a paving price. Mr. Culp asked if the grant money was included in this. Mr. Haberlin replied that if we get the grant money from the state, the number would be \$4,000,000.00 instead of \$3,000,000.00.

NIPSCO ROAD AGREEMENT: Mr. Culp stated that Attorney Beaver has some agreements in place for 1400 North. Mr. Culp stated that he was contacted by Georgia Pacific in March with concerns that their semis were being stopped by the Sheriff's Department due to the Frost Law.

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NIPSCO ROAD AGREEMENT CONT'D: NIPSCO had also called and asked what they could do to make the road not have to conform to the Frost Law. Mr. Culp told Georgia Pacific and NIPSCO that the road would need to be improved. They have agreed to help share in the cost of that improvement to keep the Frost Law from being enforced. Attorney Beaver stated that he's been in communication with attorneys from NIPSCO and Georgia Pacific, whose clients share use of that road. Attorney Beaver stated that he doesn't have an exact length of that road, but it goes from Route 49 to the Schaefer Station on County Road East 1400 North. The ordinary process for repaving would be to lay two layers of asphalt. A third layer would reinforce the road, making it less susceptible to damage during the frost season. The County would apply two layers. NIPSCO and Georgia Pacific are in agreement to share the estimated cost of the third layer. The projected two layer cost is \$125,000.00. The third layer will cost an additional \$50,000.00. NIPSCO and Georgia Pacific have each agreed to contribute \$25,000.00 to the County as contribution for the cost of the third layer. In return, the County will modify the Frost Law to create an exemption for that portion of the County Road 1400 N that will be reinforced. He stated that this will not be a permanent exemption. The County will put in a "sunset provision" of this exemption. He stated that we negotiated a twenty-five year length of the exemption. The idea behind that being that the County will be continuing to maintain the third layer of the road as far as re-surfacing and routine maintenance. He said that, at some point, the topic will need revisited to see if all three layers need rebuilt in order to maintain the reinforced characteristic of the road. This agreement does not give either entity any ownership interest in the road. Mr. Maxwell asked how long the road is and Mr. Culp replied that it's 8/10 of a mile, to the bridge. The bridge belongs to NIPSCO. Mr. Culp stated that they are hoping to get this done this fall. Mr. Haberlin asked if this would need to be advertised. Attorney Beaver stated that the County's estimated cost is \$125,000.00. He said the way he understands the Statutes, the only way we would have to advertise is if the use of public funds exceeds a certain amount. We would not include private sector contributions in that amount. Mr. Culp stated that he believes the road has already been advertised. Attorney Beaver stated that he would also view this as maybe a change in specifications. He also stated that we may need to change the specifications on that project to account for the additional materials. Mr. Haberlin asked if NIPSCO wants us to handle it all and they would just be sending us a check rather than us sending them an invoice. Attorney Beaver stated that we will want the contractor to be bound to lay that third layer. As to the process being followed, we would look at the cost of the project being \$125,000.00, not \$175,000.00, simply because of the private sector contributions. The extra \$50,000.00 of the project is not public money that will be used. Mr. Haberlin asked if a Form 96 will need to be signed. Attorney Beaver stated that a public works project costing \$150,000.00 needs to be formally bid if the work is being done by an outside party. As far as for the grant process, they want documents signed by all parties that show what they're supposed to do, like the Form 96 which is a standard bid form. Attorney Beaver stated that we will want the Form 96 to include the third layer. He said that, after we do the formal bidding, the County can change the specifications. Mr. Culp asked if we need to have a motion to award. Mr. Haberlin stated that we accepted all bids when we opened them. Mr. Culp questioned whether it would help to have in the minutes that we accept a certain contractor at a certain price. Attorney Beaver stated that it may be premature to award a bid when we have a change in specifications. Mr. Walstra asked if he wanted to pave 1350, would he be able to do that. There was some discussion regarding that and it was decided that the Commissioners would not need to act on that. If Mr. Walstra wants to pave a road, he's ok to do so since they already have the bids. Mr. Culp mentioned that the agreement states that 1400 N is one to two miles and it's actually only 8/10's of a mile. Attorney Beaver replied that the Georgia Pacific attorney drew up the agreement. Mr. Maxwell made the motion to approve the agreement. Mr. Walstra seconded and the motion carried. Mr. Walstra stated that he would call Town and Country to tell them to do three layers.

STACE PICKERING / CONSOLIDATED INSURANCE: Mr. Pickering was present to thank the Commissioners for the use of the land for the Oktoberfest, as well as for their letter of support and contributions.

LINDA COMINGORE / GREATER RENSSELAER CHAMBER OF COMMERCE: Ms. Comingore was present and stated that the Christmas parade will be held Saturday, December 3, 2016. She asked permission for Santa's house to sit on the Northwest corner of the Courthouse Square, as it has the past several years.

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LINDA COMINGORE / GREATER RENSSELAER CHAMBER OF COMMERCE CONT'D:

It would be placed there at the end of November and would be gone shortly after December 25, 2016. She also asked permission to place decorations near the pine trees. She said that they will keep the decorations away from the Veterans monument. Mr. Maxwell made the motion to approve the requests. Mr. Walstra seconded and the motion carried.

KEVIN KELLY / JASPER COUNTY ECONOMIC DEVELOPMENT:

Mr. Kelly was present and stated that he emailed the annual report. He said the Torch Relay will be coming through town on October 11, 2016. Also, the bison will be placed on the lawn that morning and then it will be brought in the building. Mr. Culp told him that if he thinks it will be taken to the Statehouse, it probably wouldn't be a good idea to take it upstairs since early voting will be starting. Mr. Culp asked about the planters. Mr. Kelly stated that they are all in and he believes he's received the final bill, which was about \$1,820.00. He said the Tourism Commission will be helping cover the plants next year.

VINCE URBANO: Mr. Urbano was present and stated that they are finished with the Gangloff Tile. Everything is completed and functioning properly. They just need to clean things up and re-seed. He said they did go past the County tile, past Madilyn Woods, and got five or six hundred feet from the intersection. East of Madilyn Wood's house, the tile goes down to a five inch tile so they were unable to run the camera any further. He said, from what they found, it appeared to be in good condition. He said they ended up replacing roughly an additional one-thousand feet of tile between Claussen's and Madilyn Wood's. There was a lot of break downs where the fiber optic was right on top of the tile.

He stated that he also wanted to discuss the budget. With what he requested for new equipment to replace the couple trucks, he said he was docked and not given exactly what he requested. He stated that he had already gone out and got quotes at three different dealerships to replace the two old trucks. He was brought down \$20,692.00 from what he initially requested. He said that amount will not be enough to purchase both trucks. He said that, during his budget request, the Council asked him if he'd considered used vehicles. He said that that has never been done before and he didn't think it was the best idea when we are going for the long haul. He asked the Commissioners if they would like him to replace both of them with two used trucks or buy one of the two new trucks he requested and then see where we are next year. He'd like to pursue one of the two routes in the next couple months so they can have things ready for the first of the year. Mr. Maxwell replied that he would say to just get one. Mr. Culp asked if he was thinking of plowing snow with it. Mr. Urbano replied not necessarily. He stated that, after a few conversations with the Commissioners, it sounded like we would hopefully updating a few of the Weed Board trucks or getting something that Mr. Korniak could do subdivisions with. He said he knows this was discussed among the Council and they had said that they didn't want that coming from the Surveyor's Office. Mr. Culp stated that he told the Council that they would buy the plows with gas tax money. Mr. Urbano stated that, during a heavy blizzard, they could help with intersections if they had a plow on one of their trucks. He said they are virtually idle during that type of weather. Mr. Culp asked if Mr. Korniak operates a surveyor truck with a plow. Mr. Urbano replied that Mr. Korniak operates an old weed board truck with a plow on it. He stated that Mr. Knezevic is using the only truck that is equipped with a plow. He plows the jail, the Surveyor's lot and around the Courthouse. Mr. Korniak takes care of a lot of subdivision things for the Highway Department. Mr. Culp stated that they did not put in for any Weed Board trucks and he was wondering if it would be advantageous to equip one of Mr. Urbano's truck with a plow. Mr. Urbano stated that as long as it's functional. He said that there is room to equip one of them with it. He said it could even be out of his budget where he would purchase one truck and get a plow with a V blade. He said he would be more than willing to help with things when they get bad. He said Mr. Korniak can keep using the truck he has been using, but eventually the Weed Board trucks will need to be replaced in the next few years. He said that he's not sure how long those trucks are going to last. He said that he's leaning towards Chevy this time. He hasn't had much luck with Fords that they've gotten over the past few years. He said that he went to Wiers, Hubbards and Lafayette. Hubbards was the lowest of the three. Hubbards beat Wiers by \$6,000.00 per truck. Mr. Maxwell told Mr. Urbano not to consider a Ford because they can't put plows on them for some reason.

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VINCE URBANO CONT'D: He said that Mr. Homer Lakin had mentioned that there isn't room for the motor. Mr. Haberlin stated that they might want to have Mr. Walstra take a look at it. Mr. Urbano stated that Ford is making the wiring out of soy-based material. Rodents are chewing the wiring on the trucks him and Mr. Knezevic are driving. They've had to take them in several times, still under warranty, and Ford is not honoring the warranty. He said it seems to be worse in the fall and spring.

**At this time, there was a short break.**

FAIRGROUNDS / GILMORE PURCHASE: Mr. Culp stated that he has the purchase agreement for the Gilmore property. He said that they are able to act upon it and asked Attorney Beaver if there was anything he would like to add. Attorney Beaver stated that the property can't be surveyed until after harvest. We have a preliminary legal description from Mike Kingman. The agreement states that the legal description will be subject to a final boundary line survey that Mr. Kingman will prepare. That will determine the final purchase price. The current agreed upon per acre purchase price is \$13,000.00 per acre. The preliminary acreage provided by the surveyor is 6.06 acres. The seller will pay taxes pro-rated up to the day of closing and convey the property by way of Warranty Deed. The seller will prepare the necessary disclosure forms. The buyer will be responsible for all the survey expenses, closing costs and recording fees. The buyer will also procure a title commitment beforehand. If any issues arise in that, the seller will have forty-five days to clear those items. After the closing, the buyer will erect both ends of a partition fence that will mark the Western boundary of the subject property and the Eastern boundary of the parcel that will be retained by the seller. This is also subject to the appropriation by the County Council. The Statute sets out that the Council will pass a resolution that sets the terms and conditions of the sale. He believes they would have a one paragraph ordinance that would attach to the fully executed agreement, which would allow for appropriation of the purchase price. He said there is not a specific date set for closing, but that both parties will work to get to closing. He is not sure there will be a survey to finalize everything before the Council meets. He said he drafted the agreement in such a way that we can move forward with the final purchase price known before closing. Mr. Maxwell made a motion to approve and sign the purchase agreement. Mr. Walstra seconded and the motion carried. Mr. Culp asked if the Council can act before we have an exact legal and Attorney Beaver replied that he thinks the Council probably could act, but it may be up to their attorney whether he would want their action to include the survey. He said he would leave that up to their attorney. Mr. Culp stated that this would need to be put on the Council's agenda. Attorney Beaver stated that, hopefully, the Gilmore's attorney would approve this agreement as is.

REFINANCING OF JAIL BONDS: Attorney Beaver stated that Mr. Rick Hall dropped off a formal letter that advises the Commissioners of the engagement of Barnes and Thornburg per their internal policy. He stated that he's reviewed it during the meeting and he's fine with it. He stated that he has two copies for the Commissioners to sign. He said after it's signed, he will scan and email it to Mr. Hall. Mr. Maxwell made the motion to approve the signing of the letter of engagement. Mr. Walstra seconded and the motion carried.

CENTURYLINK CONTRACT: Attorney Beaver stated that he has a lease for CenturyLink to update the County's telecommunication system that was approved at the last Commissioners meeting, pending his review. He stated that he has reviewed it and it's fine with him. He said that there are concerns he would have if this was an unknown operation. We know who CenturyLink is and he feels comfortable that we would not need to use any of the litigation clauses. They generally fix things as far as customer service and he doesn't foresee any difficulties arising in that regard. The Commissioners signed the contract.

COUNTY CODE ORDINANCE: Attorney Beaver stated that progress is continuing with the updating of the Jasper County Code with the people in Seattle. He said they contacted him because all the Ordinances had not been sent the first time. That problem has been fixed and they now have everything. He said the CEO reported to him that they should have a draft of the new code available by the end of October.

**REGULAR MEETING OF THE JASPER COUNTY BOARD OF COMMISSIONERS**  
**Monday, October 3, 2016**

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JUSTICE DEPARTMENT: Attorney Beaver stated that this is a continuing issue. He said that our deadline is coming up with the State Board of Accounts and this is on the top of his to-do list.

There being no further business, Mr. Culp made the motion to continue the meeting until Monday, October 17, 2016 at 8:30 A.M., if necessary. Meeting now stands in recess.

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Kendell Culp, President

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James A. Walstra, Vice President

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Richard E. Maxwell, Member

ATTEST:

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Kimberly K. Grow, Auditor of Jasper County